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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,234	12/16/2003	Nick J. Grivas	IS01164TC	6348

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EXAMINER	
PHUONG, DAI	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/737,234	GRIVAS ET AL.	
	Examiner	Art Unit	
	Dai A. Phuong	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The references listed in the Information Disclosure Statement filed on 12/16/2003 has been considered by the examiner (see attached PTO-1449 form or PTO/SB/08A and 08B).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9, 15, 16-21 and 26-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Odinak (Pub. No: 20030096641).

Regarding claim 1, Odinak discloses a method, comprising: providing a docking apparatus 30 coupled to interface with a vehicle 40 and/or 20 (fig. 1, [0013]); communicatively coupling a remote communications device 50 to the docking apparatus 30, wherein the remote communications device is non-enabled with a telematics functionality module (fig. 1, [0013] and [0017]); and the docking apparatus 30 and the remote communications device enabling the remote communications device 30 with the telematics functionality module (fig. 1, [0013] to [0014]).

Regarding claim 2, Odinak discloses all the limitation in claim 1. Further, Odinak discloses the method wherein the telematics functionality module comprises at least one of a

vehicle specific application, a personal telematics application, a routing guidance application, a security application, a hands-free application, a noise cancellation application, an air bag system, and an emergency notification application ([0014] to [0018]).

Regarding claim 3, Odinak discloses all the limitation in claim 1. Further, Odinak discloses the method wherein the docking apparatus is a car kit (fig. 1, [0013] and [0017]).

Regarding claim 4, Odinak discloses all the limitation in claim 1. Further, Odinak discloses the method wherein communicatively coupling comprises communicatively coupling using at least one of a wireless link and a wireline link (fig. 1, [0013] and [0017]).

Regarding claim 5, Odinak discloses all the limitation in claim 1. Further, Odinak discloses the method further comprising: the remote communications device detecting the docking apparatus ([0014] to [0018]); and the docking apparatus and the remote communications device exchanging capability data ([0014] to [0018]).

Regarding claim 6, Odinak discloses all the limitation in claim 5. Further, Odinak discloses the method wherein the capability data comprises at least one of a software configuration, a hardware configuration, identification data and security data ([0014] to [0018]).

Regarding claim 7, Odinak discloses all the limitation in claim 1. Further, Odinak discloses the method further comprising: the docking apparatus detecting the remote communications device ([0014] to [0018]); and the docking apparatus and the remote communications device exchanging capability data ([0014] to [0018]).

Regarding claim 8, Odinak discloses all the limitation in claim 1. Further, Odinak discloses the method wherein the capability data comprises at least one of a software configuration, a hardware configuration, identification data and security data ([0014] to [0018]).

Regarding claim 9, Odinak discloses all the limitation in claim 1. Further, Odinak discloses the method wherein enabling the remote communications device with the telematics functionality module comprises rewriting at least a portion of a memory of the remote communications device to include the telematics functionality module ([0014] to [0018]. Specifically, Odinak discloses that if the driver approves of using the detected phone's account information, mobile subscriber identification number from the detected phone is sent to vehicle phone 40 via the communication module 32 (block 106)).

Regarding claim 15, Odinak discloses a method comprising: providing a docking apparatus 30 coupled to interface with a vehicle 40 (fig. 1, [0013] and [0017]); communicatively coupling a non-telematics enabled remote communications device 50 to the docking apparatus 30 (fig. 1, [0013] and [0017]); and the docking apparatus 30 and the non-telematics enabled remote communications device 50 operating to transform the non-telematics enabled remote communications device into a telematics enabled remote communications device (fig. 1, [0013] to [0017]).

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 21, this claim is rejected for the same reason as set forth in claim 9.

Regarding claim 26, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 27, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 28, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 29, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 30, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 31, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 32, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 33, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 34, this claim is rejected for the same reason as set forth in claim 9.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 10-14, 22-25 and 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Odinak (Pub. No: 20030096641) in view of Macfarlane (Pub. No: 20030231550).

Regarding claim 10, Odinak discloses all the limitation in claim 1. However, Odinak does not disclose the method wherein enabling the remote communications device with the telematics functionality module comprises downloading the telematics functionality module.

In the same field of endeavor, Macfarlane discloses the method wherein enabling the remote communications device with the telematics functionality module comprises downloading the telematics functionality module ([0041] to [0048] and [0057]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal mobile phone of Odinak by specifically including disclose the method wherein enabling the remote communications device with the telematics functionality module comprises downloading the telematics functionality module, as taught by Macfarlane, the motivation being in order provide wireless communication capability between mobile device and mobile vehicle.

Regarding claim 11, the combination of Odinak and Macfarlane disclose all the limitations in claim 10. Further, Macfarlane discloses the method further comprising the docking apparatus associating a vehicle identification number to the remote communications device that has downloaded the telematics functionality module ([0041] to [0048] and [0057]).

Regarding claim 12, Odinak discloses all the limitation in claim 1. However, Odinak does not disclose the method wherein enabling the remote communications device with the telematics functionality module comprises enabling the telematics functionality module in the remote communications device.

In the same field of endeavor, Macfarlane discloses the method wherein enabling the remote communications device with the telematics functionality module comprises enabling the telematics functionality module in the remote communications device ([0041] to [0048] and [0057]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal mobile phone of Odinak by specifically including the method wherein enabling the remote communications device with the telematics functionality module comprises enabling the telematics functionality module in the remote communications device, as taught by Macfarlane, the motivation being in order provide wireless communication capability between mobile device and mobile vehicle.

Regarding claim 13, Odinak discloses all the limitation in claim 1. However, Odinak does not disclose the method wherein enabling the remote communications device with the telematics functionality module comprises downloading the telematics functionality module into a memory of the remote communications device while the remote communications device is communicatively coupled to the docking apparatus, and wherein erasing the telematics functionality module from the memory when the remote communications device ceases being communicatively coupled to the docking apparatus.

In the same field of endeavor, Macfarlane discloses the method wherein enabling the remote communications device with the telematics functionality module comprises downloading the telematics functionality module into a memory of the remote communications device while the remote communications device is communicatively coupled to the docking apparatus, and wherein erasing the telematics functionality module from the memory when the remote communications device ceases being communicatively coupled to the docking apparatus ([0041] to [0048] and [0057]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal mobile phone of Odinak by specifically including the

method wherein enabling the remote communications device with the telematics functionality module comprises downloading the telematics functionality module into a memory of the remote communications device while the remote communications device is communicatively coupled to the docking apparatus, and wherein erasing the telematics functionality module from the memory when the remote communications device ceases being communicatively coupled to the docking apparatus, as taught by Macfarlane, the motivation being in order provide wireless communication capability between mobile device and mobile vehicle.

Regarding claim 14, Odinak discloses all the limitation in claim 1. Further, Odinak discloses the method further comprising: the docking apparatus querying the remote communication device for the presence of the telematics functionality module ([0014] to [0018]). However, Odinak does not disclose the docking apparatus supplying the remote communications device with a download location to obtain the telematics functionality module; and downloading the telematics functionality module.

In the same field of endeavor, Macfarlane discloses the docking apparatus supplying the remote communications device with a download location to obtain the telematics functionality module; and downloading the telematics functionality module ([0041] to [0048] and [0057]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal mobile phone of Odinak by specifically including the docking apparatus supplying the remote communications device with a download location to obtain the telematics functionality module; and downloading the telematics functionality module, as taught by Macfarlane, the motivation being in order provide wireless communication capability between mobile device and mobile vehicle.

Regarding claim 22, Odinak discloses all the limitation in claim 15. However, Odinak does not disclose wherein transforming comprises downloading a telematics functionality module.

In the same field of endeavor, Macfarlane discloses wherein transforming comprises downloading a telematics functionality module ([0041] to [0048] and [0057]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal mobile phone of Odinak by specifically including wherein transforming comprises downloading a telematics functionality module, as taught by Macfarlane, the motivation being in order provide wireless communication capability between mobile device and mobile vehicle.

Regarding claim 23, Odinak discloses all the limitation in claim 15. However, Odinak does not disclose wherein transforming comprises enabling a telematics functionality module in the non-telematics enabled remote communications device.

In the same field of endeavor, Macfarlane discloses wherein transforming comprises enabling a telematics functionality module in the non-telematics enabled remote communications device ([0041] to [0048] and [0057]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal mobile phone of Odinak by specifically including wherein transforming comprises enabling a telematics functionality module in the non-telematics enabled remote communications device, as taught by Macfarlane, the motivation being in order provide wireless communication capability between mobile device and mobile vehicle.

Regarding claim 24, Odinak discloses all the limitation in claim 15. However, Odinak does not disclose wherein transforming comprises downloading a telematics functionality module into a memory of the non-telematics enabled remote communications device only while the non-telematics enabled remote communications device is communicatively coupled to the docking apparatus.

In the same field of endeavor, Macfarlane discloses wherein transforming comprises downloading a telematics functionality module into a memory of the non-telematics enabled remote communications device only while the non-telematics enabled remote communications device is communicatively coupled to the docking apparatus ([0041] to [0048] and [0057]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal mobile phone of Odinak by specifically including wherein transforming comprises downloading a telematics functionality module into a memory of the non-telematics enabled remote communications device only while the non-telematics enabled remote communications device is communicatively coupled to the docking apparatus, as taught by Macfarlane, the motivation being in order provide wireless communication capability between mobile device and mobile vehicle.

Regarding claim 25, Odinak discloses all the limitation in claim 15. Further, Odinak does not disclose the method further comprising: the docking apparatus querying the non-telematics enabled remote communication device for the presence of a telematics functionality module ([0014] to [0017]). However, Odinak does not disclose the method wherein further comprising: the docking apparatus supplying the non-telematics enabled remote communications

device with a download location to obtain the telematics functionality module; and downloading the telematics functionality module.

In the same field of endeavor, Macfarlane discloses the docking apparatus supplying the non-telematics enabled remote communications device with a download location to obtain the telematics functionality module; and downloading the telematics functionality module ([0041] to [0048] and [0057]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal mobile phone of Odinak by specifically including the docking apparatus supplying the non-telematics enabled remote communications device with a download location to obtain the telematics functionality module; and downloading the telematics functionality module, as taught by Macfarlane, the motivation being in order provide wireless communication capability between mobile device and mobile vehicle.

Regarding claim 35, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 36, this claim is rejected for the same reason as set forth in claim 11.

Regarding claim 37, this claim is rejected for the same reason as set forth in claim 12.

Regarding claim 38, this claim is rejected for the same reason as set forth in claim 13.

Regarding claim 39, this claim is rejected for the same reason as set forth in claim 14.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 26817
Date: 04-13-2006

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PRIMARY EXAMINER